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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,247	08/26/2003	Hajime Yamamoto	031029	1773

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EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT	PAPER NUMBER
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1795

NOTIFICATION DATE	DELIVERY MODE
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12/11/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No. 10/647,247	Applicant(s) YAMAMOTO ET AL.	
	Examiner DABORAH CHACKO DAVIS	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11,14-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-11,14-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21-25, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21, at lines 5, and 6, recites that a smothered resist pattern is formed. There is no disclosure for this limitation in the specification. The specification on pages 4, and 10, discloses the formation of a smoothed resist pattern. Neither the drawings nor the specification disclose or teach or suggest a smothered resist pattern formation. Claim 21, at lines 10-11, recites a "polyoxyalkylene alkylether surfactant" that has a linear chain structure. This is not disclosed or taught or suggested in the specification or the drawings. The specification does not suggest in any manner to persuade one skilled in the art to assume that the surfactant claimed in claim 21 is a linear chain structure. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-6, 8-11, 14-15, and 18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1152036 (Kanda et al., hereinafter referred to as Kanda) in view of U. S. Patent No. 3,765,972 (Wesp).

Kanda, in the abstract, in [0001], [0022], [0023], [0024], [0025], [0026], [0034], [0035], and in Table I, discloses forming a semiconductor device by forming a resist pattern on the substrate, coating the resist pattern with a resin composition (resist pattern smoothing material) and subjecting the coated resist pattern to a heat treatment, wherein the thickness of the resin coated onto the resist pattern and the heat treatment is adjusted (suitably determined), followed by developing the coating layer (smoothing layer) resulting in the smoothed resist pattern (resist pattern with smooth side walls, wall surfaces etc). Kanda, in [0024], lines 57-58, and on page 5, lines 1, discloses that the water-soluble resin-coated resist pattern is exposed and developed and heated to at least 85°C, i.e., it will inherently cause the resist walls to smooth forming a smooth resist pattern. Kanda, in [0032], discloses that the resist layer forms a resist opening (hole in positive resist) that corresponds to the exposure performed (claims 1, and 20). Kanda in [0031], [0032], [0033], [0034], [0035], [0036], [0037], and in Table 1, discloses that the resist patterns formed are without fish eyes or striations at all, i.e., the average opening dimension is greater than 90% of the predetermined opening dimension, and Table I (indicating the characteristics) of Kanda reveals that the maximum and minimum opening dimensions (resist openings that are smoothed, without striations and are

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uniform) are within a range of $\pm 3\%$ of the predetermined opening dimension. Kanda, in [0023], discloses that the resist is an ArF resist (claims 3, 5, and 6). Kanda, in [0023], discloses that the coating layer is heated in the claimed range (80 - 100°C) (claim 8). Kanda, in [0006], and [0007], discloses that the water-soluble resin composition (coating layer) includes a resin, a surface-active agent, and a crosslinking agent, and is water-soluble (claims 10-11). Kanda, in [0016], discloses that the surfactant is a non-ionic surfactant such as an alkoxylate compound (ethoxylate compound) or alcohols. Kanda, in [0009], and [0011], discloses that the resin is a polyvinyl alcohol, the crosslinking agent is a melamine derivative, and the claimed resin (Claims 14-15). Kanda, in [0019], discloses that the organic solvent is an alcohol solvent (claims 18-19).

The difference between the claims and Kanda is that Kanda does not disclose that the surface active agent (surfactant) is one recited in claim 1.

Wesp, in col 11, lines 56-67, in col 12, lines 1-60, discloses adding a nonionic surfactant in a resin composition.

Therefore, it would be obvious to a skilled artisan to modify Kanda by employing anionic surfactants as suggested by Wesp in a resin composition because Kanda, in [0016], discloses that the resist pattern smoothing material comprise a surface active agent (surfactant) and in [0022], and [0024], discloses that using the water-soluble resin composition that comprises the surfactant, enables the coating of the already formed resist pattern and using the coated resist pattern to form a trench pattern of a hole pattern that is fine, and Wesp, in col 12, lines 10-15, discloses that adding the

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anionic surfactant in a composition enables the dispersion of the resin in the composition without causing any interference with bonding.

5. Claim 7, is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1152036 (Kanda et al., hereinafter referred to as Kanda) in view of U. S. Patent No. 3,765,972 (Wesp) as applied to claims 1, 3, 5-6, 8-11, 14-15,18-19, above, and further in view of U. S. Patent No. 6,043,145 (Suzuki et al., hereinafter referred to as Suzuki).

Kanda in view of Wesp is discussed in paragraph no. 4.

The difference between the claim and Kanda in view of Wesp is that Kanda in view of Wesp does not disclose that the smoothed resist pattern has an opening dimension within the range of 50nm to 150nm (claim 7).

Suzuki, in col 4, lines 38-45, discloses that the resist pattern dimensions are increasingly narrowed such that the width (opening dimension of a pattern) of the pattern is 0.15 μ (i.e., 150nm).

Therefore, it would be obvious to a skilled artisan to modify Kanda in view of Wesp by employing the opening dimension (width) suggested by Suzuki because Kanda, in [0036], discloses that the resist pattern width (opening of the LSI's) is reduced and smoothed and in [0002], and [0039], discloses that the LSI fabricated in the claimed method would possess reduced spaces (width) in the trenches or holes due to the thickening of the resist.

6. Claims 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1152036 (Kanda et al., hereinafter referred to as Kanda) in view of U. S. Patent No. 3,765,972 (Wesp) as applied to claims 1, 3, 5-6, 8-11, 14-15,18-19, above, and further

in view of U. S. Patent No. 6,537,719 (Takahashi) and U. S. Patent No. 6,555,617 (Tanaka et al., hereinafter referred to as Tanaka).

Kanda in view of Wesp is discussed in paragraph no. 4.

The difference between the claims and Kanda in view of Wesp is that Kanda in view of Wesp does not disclose that the resist pattern smoothing material (resin composition) comprises one of a water-soluble aromatic compound and resin having an aromatic compound (claim 16). Kanda in view of Wesp does not disclose the water-soluble aromatic compound recited in claim 17, and does not disclose the resin aromatic compound recited in claim 17.

Takahashi, in col 6, lines 11-42, discloses that the alkali-soluble photosensitive composition (resin) can be aromatic and that the composition includes an aromatic compound such as alcohol derivatives of naphthalene (naphthol).

The difference between the claims and Kanda in view of Wesp further in view of Takahashi is that Kanda in view of Wesp further in view of Takahashi does not disclose the claimed resin containing an aromatic compound.

Tanaka, in col 3, lines 16-64, discloses that the resin composition includes a polyvinyl aryl acetal resin (resin containing an aromatic compound).

Therefore, it would be obvious to modify Kanda in view of Wesp by employing the aromatic compound suggested by Takahashi because Takahashi, in col 4, lines 8-16, in col 5, lines 7-20, and in col 6, lines 11-40, and in col 12, lines 40-47, discloses that employing the suggested aromatic phenolic resin is preferable for the formation of a radiation sensitive resin composition so as to enable combination with a fluorescent

material without impairing the characteristics of the resist. It would be obvious to a skilled artisan to modify Kanda in view of Wesp further in view of Takahashi by employing the resin containing the aromatic compound because Kanda in [0009], discloses that the resin composition includes a polyvinyl acetal resin, and Tanaka, in col 3, lines 35-56, and in col 5, lines 34-36, and in col 6, lines 38-43, discloses that the resin composition that includes the polyvinyl acetal resin is modified by including an aryl group in the polyvinyl acetal structural unit, and doing so improves the glass transition temperature and heat resistance of the modified coating resin, and that the modified polyvinyl acetal aryl resin is applicable as a coating material due to its adhesiveness and film-forming properties.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 3, 5-11, 14-19, 21-25, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

claims 1-21 of copending Application No. 10/290,493. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claim forming resist pattern with smoothed or reduced edge roughness using the same method steps include applying a smoothing or resist pattern improving material to the resist pattern, heating and developing.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

9. Applicant's arguments, see Amendment and Remarks, filed September 10, 2009, with respect to the rejection(s) of claim(s) 1, 3, 5-6, 8-11, 14-15, and 18-19 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wesp (U. S. Patent No. 3,765,972).

A) Applicants argue that neither Kanda nor Boucher disclose the surfactant recited in claim 1.

Kanda teaches the claim 1 limitation as discussed in paragraph no. 4. However, Kanda is not relied upon to disclose the newly amended surfactant. Wesp is depended upon to disclose the use of an anionic surfactant in a resin composition.

B) Applicants argue that Boucher does not disclose the newly filed claim limitation i.e., a non-ionic polyoxyethylene that has a linear chain structure, recited in claim 21.

Boucher is no longer depended upon to disclose this limitation. Also, see paragraph no. 2, above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daborah Chacko-Davis/
Examiner, Art Unit 1795

December 6, 2009.